

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

WALTER LEE GILBERT, #99903-555

PETITIONER

VERSUS

CIVIL ACTION NO. 3:12-cv-244-HTW-LRA

UNITED STATES OF AMERICA

RESPONDENT

MEMORANDUM OPINION AND ORDER

This cause comes before this court on petitioner's petition [1] for habeas corpus relief filed pursuant to Title 28 U.S.C. § 2241. The petitioner is presently incarcerated in the United States Penitentiary, Florence, Colorado.

Upon a review of the record of the instant civil habeas action and the Public Access to Court Electronic Records (PACER) Case Locator, this Court finds that the instant habeas petition is duplicative of the petitioner's pending civil habeas action in the United States District Court of Colorado in Gilbert v. USA, 1:12-cv-873-BNB (D. Colo. filed Apr. 4, 2012).<sup>1</sup> When a civil action is duplicative of another action filed in federal court, the district court may dismiss such action. See Remington Rand Corp. v. Bus. Sys. Inc., 830 F.2d 1274, 1275-76 (3rd Cir. 1987)(quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936); see also Chrysler Credit Corp. v. Marino, 63 F.3d 574, 578 (7th Cir. 1995) ("A federal suit may be dismissed for 'reason of wise judicial administration ... whenever it is duplicative of a parallel action already pending in another federal court.' " (quoting Serlin v. Arthur Andersen & Co., 3 F.3d 221, 223 (7th Cir. 1993))). Therefore, after a review and comparison of the pleadings filed in the instant civil habeas action with those filed in Gilbert v. USA, 1:12-cv-873-BNB (D. Colo. filed Apr. 4,

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<sup>1</sup>The information relating to the documents and pleadings filed in Gilbert v. USA, 1:12-cv-873-BNB (D. Colo. filed Apr. 4, 2012) was obtained through PACER.

2012), this Court has determined that the instant civil habeas action is the same as the petitioner's pending habeas action in the United States District Court of Colorado and as such, it will be dismissed without prejudice as duplicative.

This the 25th day of April, 2012.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE